

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT NASHVILLE

**STATE OF TENNESSEE v. CHARLES JAMES FAGAN**

**Appeal from the Circuit Court for Montgomery County**  
**Nos. 40400406, 40501155, 40600015, and 40600047     John H. Gasaway, III, Judge**

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**No. M2008-00413-CCA-R3-CD - Filed October 27, 2008**

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The Defendant, Charles James Fagan, appeals from the trial court's order revoking his community corrections sentence and ordering him to serve the balance of his sentence in the Department of Correction. The State filed a motion to affirm the judgment of the trial court by memorandum opinion pursuant to Rule 20, Rules of the Tennessee Court of Criminal Appeals. We grant the State's motion and affirm the judgment of the trial court.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Circuit Court Affirmed Pursuant to Rule 20, Tenn. Ct. Crim. App. R.**

DAVID H. WELLES, J., delivered the opinion of the court, in which JERRY L. SMITH and ROBERT W. WEDEMEYER, JJ., joined.

Collier Goodlett, Assistant Public Defender, Clarksville, Tennessee, for the appellant, Charles James Fagan.

Robert E. Cooper, Jr., Attorney General and Reporter; Matthew Bryant Haskell, Assistant Attorney General; John W. Carney, District Attorney General; and Arthur Bieber, Assistant District Attorney General, for the appellee, State of Tennessee.

**MEMORANDUM OPINION**

The record before this Court reflects that on August 12, 2004, the Defendant pleaded guilty to and was convicted of two counts of burglary. He was sentenced to concurrent three-year sentences, to be served on probation. On May 11, 2006, the Defendant pleaded guilty to one count of burglary and one count of burglary of a vehicle. He was sentenced to an effective sentence of two years to be served on community corrections. His two-year community corrections sentence was ordered to be served consecutively to his three-year sentences. On November 7, 2006, during a revocation hearing, the Defendant admitted that he had violated the terms and conditions of his community corrections sentence. He was found to be in violation. He was sentenced to time served and was ordered reinstated to community corrections.

Additional violation warrants were issued in January, 2007, February, 2007 and November, 2007, asserting that the Defendant had violated the terms of his community corrections sentence by failing to report, failing to attend required classes, and violating his curfew. During a hearing on the violation warrants, the Defendant admitted that he had violated the terms of his community corrections sentences as charged in the warrants. The trial court found that the Defendant was in violation of the terms of his community corrections sentences. The trial court revoked the community corrections sentences and ordered that the Defendant serve the balance of his sentences in confinement. It is from this order that the Defendant appeals.

On appeal, the Defendant argues that the trial court abused its discretion in revoking the Defendant's community corrections sentences. If a trial court finds, by a preponderance of the evidence, that a Defendant has violated the terms of his community correction sentence, it may revoke that sentence. A community corrections revocation order is reviewed under an abuse of discretion standard. The record on appeal supports the trial court's finding that the Defendant violated the terms of his community corrections sentences. After careful review, we conclude that the trial judge did not abuse his discretion in revoking the Defendant's community correction sentences and ordering that the balance of his sentence be served in the Department of Correction.

We therefore grant the State's motion and affirm the judgment of the trial court pursuant to Tennessee Court of Criminal Appeals Rule 20.

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DAVID H. WELLES, JUDGE